

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

Barry Harris,

Plaintiff,

v.

C/O Clay, *et al.*,

Defendants.

Case No. 2:22-cv-02161-GMN-EJY

ORDER

On December 27, 2022, Plaintiff submitted an incomplete application to proceed *in forma pauperis* (“IFP”) together with a Civil Rights Complaint under 42 U.S.C. § 1983. ECF Nos. 1, 1-1. Plaintiff’s IFP application failed to include his inmate trust fund account statement for the previous six-month period. Even if Plaintiff has not been at the Nevada Department of Corrections facility a full six-month period, Plaintiff must still submit a financial statement and an inmate account statement for the dates he has been at the facility. 28 U.S.C. § 1915(a)(2); Local Rule LSR 1-2.

Accordingly, IT IS HEREBY ORDERED that Plaintiff’s application to proceed *in forma pauperis* (ECF No. 1) is DENIED without prejudice.

IT IS FURTHER ORDERED that on or before **March 6, 2023**, Plaintiff must either pay the \$402 filing fee for a civil action or file with the Court: (1) a complete **Application to Proceed in Forma Pauperis for Inmate** on the Court’s approved form; (2) a **Financial Certificate** properly signed by both the inmate and a prison or jail official; and (3) a copy of the **inmate’s prison or jail trust fund account statement for the previous six-month period**.

IT IS FURTHER ORDERED that failure to either pay the \$402 filing fee or file a complete application to proceed *in forma pauperis* on or before **March 6, 2023**, will result in a recommendation to dismiss this action **without prejudice**. A dismissal without prejudice allows Plaintiff to file his case with the Court, under a new case number, when he is able to comply with LSR 2-1 and file a complete application to proceed *in forma pauperis* or pay the required filing fee.

1 IT IS FURTHER ORDERED that the Court will retain Plaintiff's Complaint (ECF No. 1-1),
2 but will not file it at this time.

3 IT IS FURTHER ORDERED that the Clerk of the Court must send Plaintiff the approved
4 form application to proceed *in forma pauperis* for inmate along with the information and instructions
5 for filing the same.

6 DATED this 6th day of February, 2023.

7 
8 ELAYNA J. YOUCHAK
9 UNITED STATES MAGISTRATE JUDGE